

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

*Plaintiffs,*

v.

GOOGLE LLC,

*Defendant.*

No. 1:23-cv-00108-LMB-JFA

**GOOGLE LLC'S FOURTH STATUS REPORT  
REGARDING DOCUMENT REVIEW AND PRODUCTION**

Pursuant to the Court's order of September 15, 2023, ECF No. 440, Google LLC ("Google") submits this report regarding the status of the review and production of documents impacted by the ingestion site issue (the "Impacted Documents"), *see* ECF No. 422.

Over the past three weeks, Google has almost entirely completed its production of responsive and non-privileged Impacted Documents. As reported previously, there were approximately 16.1 million Impacted Documents. Approximately 9.6 million Impacted Documents were determined to be duplicates, and the remaining roughly 6.4 million documents were determined to be non-duplicates that needed to be reviewed. Google's initial review of those roughly 6.4 million documents is now complete.

Since September 8, 2023, Google has produced a total of 1,995,869 documents on the following dates, including 635,356 documents in the last week:

- On September 14, 2023, Google produced 285,699 documents.
- On September 16, 2023, Google produced 57,853 documents.

- On September 20, 2023, Google produced 153,824 documents.
- On September 21, 2023, Google produced 61,869 documents.
- On September 22, 2023, Google produced 112,428 documents.
- On September 23, 2023, Google produced 312,777 documents.
- On September 26, 2023, Google produced 326,737 documents.
- On September 27, 2023, Google produced 19,201 documents.
- On September 28, 2023, Google produced 30,125 documents.
- On October 2, 2023, Google produced 274,546 documents.
- On October 3, 2023, Google produced 79,823 documents.
- On October 5, 2023, Google produced 40,412 documents.
- On October 6, 2023, Google produced 240,575 documents.

This production of nearly 2 million documents to Plaintiffs – on top of roughly 3 million documents produced during the pre-complaint investigation and roughly 1 million additional documents produced in this litigation before September 8 – results from considerable efforts by Google, its vendors, and its outside counsel to expedite normal review and production processes. Despite those efforts, there remain two aspects of the production that have not yet been fully completed:

1. **Confirmatory Audit.** To ensure that there are no gaps in the productions, Google’s outside counsel and vendors have been auditing the steps taken to collect, review, and produce documents. That process has been underway, with gaps being addressed as any are identified, but it cannot be fully completed until after the final document productions are made. Google anticipates completing this process no later than October 13, and any additional documents that are identified as a result of the audit will be produced as soon as possible. Based on the current status, Google expects that this process is unlikely to result in the production of many additional documents.
2. **Throwbacks.** While preparing a privilege log, Google, including its outside counsel, will continue to closely scrutinize documents that have been identified as privileged. *See* ECF No. 142, ¶ V(1) (requiring production of privilege log “within 45 days of each production”). As commonly occurs whenever privilege logs are prepared,

Google may determine that some of those documents can be produced in full or in part and, in those cases, it will produce (i.e., “throwback”) those documents. Google has been working to minimize the number of these “throwbacks” by undertaking privilege-log preparation in parallel with its review and production.

Together, these remaining issues are unlikely to result in the production of a significant number of additional documents after October 6.

Dated: October 6, 2023

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